

Indiana House of Representatives

News and Information

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FOR IMMEDIATE RELEASE:

March 15, 2005

INSPECTOR GENERAL COMPROMISE REASONABLE; PELATH LANGUAGE PART OF AGREEMENT

INDIANAPOLIS – Thanks to genuine compromise efforts in the Indiana House, representatives have passed legislation that will allow the state to have an Inspector General to ferret out corruption in government and make sure that the post is accountable to the people of Indiana.

After accepting a series of amendments originally advocated by House Democrats, House members passed Senate Bill 18, which formally creates the post of Inspector General. The measure now returns to the Indiana Senate for concurrence with changes made in the House.

“Since House Democrats demanded that their views be considered on key legislation, there has been a willingness on both sides of the aisle in the House to work toward compromise. We now have a reasonable measure that will strengthen public trust in government without an unnecessary expansion of executive power,” said State Rep. Scott Pelath (D-Michigan City), who serves on the House Government and Regulatory Reform Committee that considered the controversial initiative.

“If this bill is agreed to by the Senate, the Inspector General will be focused on what needs to be done: respond to public concerns that state officials are engaged in corruption,” Pelath added. “Once the Inspector General would investigate a complaint and determine that a crime may have been committed, it will be judges and prosecutors -- and not just the Governor’s own appointee – who will make key decisions about whether to bring a case.”

Pelath met with Gov. Mitch Daniels this week to reiterate the concerns held by many that the original Inspector General legislation invested too much power in one person. Pelath said the meeting was “a positive one, and I had a renewed confidence that all parties had an interest in finding middle ground.”

Under the revised bill, local county prosecutors will be given the Inspector General’s materials on a complaint, then determine whether to proceed with charges.

In earlier versions of this bill, the matter of prosecution was left ultimately in the hands of the Inspector General, which meant the fate of a potential criminal case could be decided by an appointed official, rather than an elected county prosecutor. Pelath said that idea would have given the executive branch control over the judicial branch, which is a clear violation of the separation of powers in the Indiana Constitution. It also provided no accountability to the general public, since an appointed official would have the sole authority to proceed with cases.

“However, if a local prosecutor declined a case, the Inspector General could only override the prosecutor with the permission of an Indiana Appellate Court judge,” said Pelath. “I am also pleased that House Speaker Brian Bosma (R-Indianapolis) accepted an amendment I drafted that would require that judge be randomly selected. That way the Inspector General can’t just go to a friendly court all the time.”

Furthermore, said Pelath, the Appellate Court now could appoint a prosecutor or deputy prosecutor from any county to take over the case. It would not automatically be handed to the Inspector General.

House Democrats also succeeded in getting Senate Bill 18 amended to ensure that the Inspector General’s records are open to public inspection and that the office is subject to the state’s Open Door Law.

“These changes will allow local prosecutors who must be accountable to the voters to handle these cases at all steps,” Pelath noted. “These folks then can do the job they were elected to perform, and the checks and balances that are so crucial to our democracy will be preserved. If the Governor can accept this bipartisan agreement, I think we can fight corruption while setting aside the fears of many.”